



# JTPA

Number: D95-9

Serving the People of California

DIRECTIVE

Date: August 15, 1995

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TO: SERVICE DELIVERY AREA ADMINISTRATORS  
PRIVATE INDUSTRY COUNCIL CHAIRPERSONS  
JTPD PROGRAM OPERATORS  
EDD JOB SERVICE OFFICE MANAGERS  
JTPD STAFF

SUBJECT: JOB TRAINING PLAN ADJUSTMENTS BASED ON FUNDING  
RESCISSIONS

## EXECUTIVE SUMMARY

### Purpose:

On July 27, 1995, the President signed Public Law 104-19. This legislation makes rescissions to the Job Training Partnership Act (JTPA) funding for Program Year 1995-96 retroactive to July 1, 1995.

The purpose of this Directive is to provide instructions for Service Delivery Area (SDA) Administrators who must make changes to their Job Training Plans to reflect reduced funding due to passage of Public Law 104-19.

### Scope:

The guidance in this Directive applies to Job Training Plan changes necessitated by the funding rescission legislation.

### Effective date:

The guidance in this Directive is effective immediately.

## REFERENCES:

- Public Law 104-6
- Public Law 104-19
- JTPA §104(c)
- Code of Federal Regulations, Title 20 (20 CFR) §628.420(e)(2)
- JTPA Interim Directive 94-02, including Amendments 2 and 3
- JTPA Information Bulletins 95-61, 95-65 and B95-17

## STATE-IMPOSED REQUIREMENTS:

This Directive contains state-imposed requirements. These are printed in ***bold, italic type***.

## **FILING INSTRUCTIONS:**

Retain this Directive until further notice.

## **BACKGROUND:**

The JTPA §104(c) requires that SDAs modify the Job Training Plan if changes in labor market conditions, funding or other factors require substantial deviation from the approved plan. Modifications must be published 80 days prior to the effective date and must be jointly approved and jointly submitted by the Private Industry Council (PIC) and the Chief Elected Official (CEO). The JTPA Final Rule §628(e)(2) authorizes the Governor to determine what circumstances would constitute a major modification. The preamble to the Final Rule (page 45800) recommends that Governors consider variances of 20 percent from an approved plan to be the threshold for requiring a plan modification. Accordingly, Interim Directive 94-02, Amendment 2, established the threshold for plan modifications as a 20 percent decrease in funding or planned services.

The changes enacted under Public Law 104-19 contain funding rescissions that would result in a variance of more than 20 percent in most SDAs' approved Job Training Plans. Since these changes are retroactive to July 1, 1995, the Job Training Partnership Division (JTPD) is making certain exceptions to the instructions for submitting changes to the Job Training Plan to accommodate these unique circumstances.

Information Bulletin B95-17 provided information on the new allocations and indicated that further instructions would be provided. Updated information on intra-title transfers between Title II-B and Title II-C was provided in Information Bulletin B95-13 dated August 11, 1995. Information on changes in Performance Standards, will be provided at a later date.

## **POLICY AND PROCEDURES:**

The JTPA Information Bulletin 95-61, dated April 7, 1995, advised SDAs that allocations might be reduced due to the rescissions contained in HR 1944 that has since been signed into law (Public Law 104-19). The SDAs that used the lesser amounts in their most recent Job Training Plan modification or adjustment based on HR 1944 information are not required to submit a plan change at this time.

### A. Current JTPD Policy

1. A Job Training Plan modification is required when a substantial deviation or significant change from an approved Job Training Plan occurs. ***Plan modification is required for a number of changes in circumstances including the following:***
  - a. ***Eliminating planned services that will result in a 20 percent or more decrease in the total number of participants planned to be served in any JTPA program category;***

- b. Decreasing by 20 percent or more total funding available in any JTPA program category;**
  - c. Decreasing by 20 percent or more, goals for serving and placing the hard-to-serve, including decreases in service levels to Greater Avenues for Independence (GAIN) participants;**
  - d. Decreasing by 20 percent or more, goals for training and placing of women in nontraditional employment;**
  - e. Decreasing by 20 percent or more, total planned expenditure levels in any JTPA program category;**
  - f. Decreasing by 20 percent or more, planned total participant outcomes in any JTPA program category.**
2. Modifications must be published no later than 80 days before they are effective. They are effective upon approval by the state.
  3. Proposed modifications must be jointly approved and jointly submitted to the state by the SDA's PIC and CEO.

#### **B. One-Time Exception**

***The rescissions enacted in Public Law 104-19 result in "a substantial deviation" from planned activities for most SDAs, and, under present policy, require these SDAs to submit a plan modification. However, since these changes are retroactive to July 1, 1995, the current procedures for plan modification, publication and approval would cause undue delays in implementing the requirements of the budget rescission bill, Public Law 104-19.***

***For these reasons, the JTPD is authorizing an exception to current policy. This exception allows SDAs to submit job training plan changes in excess of 20 percent decrease in services and funding under a special one-time Job Training Plan adjustment that requires PIC concurrence. Procedures for completing this plan adjustment are as follows:***

- 1. Follow the instructions for completing and submitting a plan adjustment that requires PIC concurrence. These instructions are found in the Job Training Plan Handbook of Instructions at the top of page 4-4. They may also be found in Interim Directive 94-02, Amendment 2. A copy of the necessary form, Plan Adjustment Submittal - PIC Concurrence, adapted for this one-time use, is attached to this Directive for your convenience.***
- 2. Complete the appropriate budget pages to reflect changes to each affected fund source, as well as any other appropriate attachments. Refer to Interim Directive 94-02, Amendment 3 for copies of these pages.***

- 3. The reason for the plan adjustment is already filled in on the attached form. If you plan to submit other adjustments, please note the additional reasons on this form.**
- 4. Prepare a letter advising the CEO of the changes to the Job Training Plan. Include a copy of this letter with the Job Training Plan adjustment.**
- 5. Check the box indicating that the CEO has been notified.**
- 6. Submit the plan adjustment no later than Tuesday, October 10, 1995.**

**ACTION:**

Bring this Directive to the attention of all affected staff and service providers.

**INQUIRIES:**

If you have any questions about the information contained in this Directive, please contact Roberta Valla at (916) 657-2744.

/S/ KATHY SAGE  
Chief

Attachments are not available online. To obtain a copy e-mail JTPD at **JTPDLIB@EDD.CA.GOV** (subject line should read: "Attachment") or contact Jim Scholl at (916) 657-4610.

1. JTPA Job Training Plan, Plan Adjustment Submittal - PIC Concurrence